

Assembly Bill No. 1559

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 30, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 5640, 5641, 5642, 5645, 5646, and 5647 of, and to amend the heading of Chapter 3.3 (commencing with Section 5640) of Division 5 of, the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1559, Frommer. Urban Park Act of 2006.

Existing law establishes the Urban Park Act of 2001, which requires the Department of Parks and Recreation to establish a local assistance program to offer grants, on a competitive basis, to various local entities and nonprofit organizations, as defined, for the acquisition or development, or both, of urban parks and recreational areas and facilities. For purposes of the act, the term, "facilities" is defined. Existing law requires the department, in evaluating applications for grants, to assign priority to applications for projects that meet certain criteria.

This bill would change the name of the act to the Urban Park Act of 2006. The bill would revise the definition of "facilities" to include community gardens. The bill would modify the criteria for awarding grants, and modify the criteria that the department is required to consider in assigning a higher priority or not assigning a lower priority to a grant application. The bill would also require the department to maintain an application and grant award schedule as long as funding is available.

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 3.3 (commencing with Section 5640) of Division 5 of the Public Resources Code is amended to read:

CHAPTER 3.3. THE URBAN PARK ACT OF 2006

SEC. 2. Section 5640 of the Public Resources Code is amended to read:

5640. This chapter shall be known, and may be cited, as the Urban Park Act of 2006.

SEC. 3. Section 5641 of the Public Resources Code is amended to read:

5641. The Legislature hereby finds and declares as follows:

(a) The program created by this chapter will finance the acquisition and development of parks and recreation areas and facilities in the neighborhoods that are currently least served by park and recreation providers by emphasizing the expansion of neighborhood accessibility to parks. These neighborhoods are often the same areas that suffer most from high unemployment and destructive or unlawful conduct by youth.

(b) The program established by the chapter will encourage community participation in, and a greater sense of responsibility toward, new parks and recreation areas and facilities, which will help keep them clean and safe and which will enhance community pride and sustain neighborhood vitality.

(c) New parks and facilities will provide safe recreational opportunities for children and positive outlets for youth, and will meet the special recreational and social needs of senior citizens and other urban population groups.

SEC. 4. Section 5642 of the Public Resources Code is amended to read:

5642. As used in this article, the following terms shall have the following meanings:

(a) “City” means a city or a city and county.

(b) “District” means a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3, or a recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780).

(c) “Facilities” includes, but is not limited to, places for organized team sports, outdoor recreation, and informal turf play; nonmotorized recreational trails; permanent play structures; landscaping; community gardens; places for passive recreation, enjoyment of scenic open space, nature appreciation and study, and outdoor education; multipurpose structures designed to meet the special recreational, educational, vocational, and social needs of youth, senior citizens, and other urban population groups; and

infrastructure and other improvements that support these facilities.

(d) “Heavily urbanized county” means a county with a population of 500,000 or more, and a density of at least 1,100 persons per square mile, based on the most recent verifiable census data.

(e) “Nonprofit organization” means any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of the Corporations Code), qualified to do business in California, qualified under Section 501(c)(3) of Title 26 of the United States Code, and that has among its primary purposes the preservation, protection, or enhancement of land or water resources in their natural, scenic, historical, agricultural, forested, or open-space condition or use, or the provision of conservation and environmental education and other recreational, vocational, and educational services to urban youth.

(f) “Park access” means the distance of approximately one-half mile or less from a residence to a park.

SEC. 5. Section 5645 of the Public Resources Code is amended to read:

5645. The department may award a grant pursuant to this chapter only for a project that meets all of the following criteria:

(a) The proposed project is within the jurisdiction of an eligible applicant, as specified in Section 5644.

(b) The project will result in the creation of a new urban park, new or multipurpose facility, or new recreational opportunity.

SEC. 6. Section 5646 of the Public Resources Code is amended to read:

5646. In evaluating applications for grants that meet the requirements of Section 5645, the department shall assign higher priority to applications, for each of the following criteria satisfied:

(a) The amount of the grant applied for, together with any matching contribution, will meet all the costs of acquiring or developing, or both, the new urban park or facilities, and when construction of the project is completed, the new urban park or facility will be fully usable by the residents of the project’s service area.

(b) The project's service area has significant deficiencies in park access and facilities relative to other areas of the applicant's jurisdiction.

(c) The project will enhance employment opportunities for residents, including at-risk youth, of the project's service area, or of members of the California Conservation Corps or certified local conservation corps.

(d) The project will accommodate outdoor learning opportunities for school pupils or at-risk youth from the project's service area, or of members of the California Conservation Corps or certified conservation corps.

(e) The project will be usable by pupils from one or more public schools in the project's service area.

(f) The application includes a commitment for a matching contribution. The matching contributions may be in the form of moneys from any source, including funds from other state local assistance programs; gifts of real property, equipment, and consumable supplies; volunteer services; free or reduced-cost use of land, facilities, or equipment; and bequests and income from wills, estates, and trusts. The department shall evaluate the amount of the matching contribution in terms of its proportionality in relation to the economic resources of the applicant.

(g) The project will wholly or partly replace an area of blight, recycle property, replace a brownfield, or will contribute significantly to the economic revitalization of the area in the project's service area.

(h) The development phase of the project was planned with public input from the affected community.

(i) The project is a joint-use project between two or more agencies that share responsibility for ownership, development, and maintenance of the project.

(j) The project is a partnership in an infill, transit-oriented, or an affordable housing development.

(k) The project is easily accessible to pedestrians, bicycles, and public transit, and encourages use by local residents.

(l) The project creates a new park in a location where none currently exists.

SEC. 7. Section 5647 of the Public Resources Code is amended to read:

5647. (a) The department may adopt guidelines to amplify or clarify the criteria specified in Section 5646, and may adopt additional criteria, to supplement those criteria, but the scope of the additional criteria shall be limited to providing additional guidance in selecting projects in areas that have the greatest deficiencies in parks and facilities.

(b) The department may develop a procedural guide for the administration of this chapter and the guidance of applicants.

(c) The department shall solicit written comments and hold public hearings at convenient locations throughout the state on any guideline or procedural guide that is proposed to be adopted or developed pursuant to this section.

(d) If the department determines to adopt guidelines or to develop a procedural guide pursuant to this section, the department shall adopt the guidelines or develop the procedural guide on or before April 1, 2002.

(e) Any regulation or procedural guide adopted or developed pursuant to this section shall not be subject to the review or approval of the Office of Administrative Law or to any other requirement of Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code.

(f) The department may not expend more than 5 percent of the amount annually appropriated for the purposes of this chapter for administrative costs.

(g) If funding is available, the department shall administer application requests for proposals and grant awards in no less than two cycles in two years. The department shall maintain this application schedule as long as funding is available.

Approved _____, 2006

Governor